EU Commission Complaint No.: 86019
ORCID iD: 0009-0005-4228-1124

Gatekeeper of Rights III: ***Higher Education Under EU Rule-of-Law Scrutiny***
Author:
Siddhartha Harsh Wardhan
ORCID iD: 0009-0005-4228-1124
(The ORCID record serves as the official evidentiary repository containing all documents: **Administrative Obstruction Series I–IV, Denied Access to the Scalpel, Specimen Deficiency Report, Gatekeeper of Rights I–II, NAIH Data Breach filings, and corresponding SSRN DOIs.)**

I. National Case Numbers (Hungary)
Ombudsman Case: EBF–AJBH–309–2025
Administrative Court Case: 7.Kpk.. 750.239/2025/2
Data Protection Authority Case (NAIH): J-427-3/2025
Accreditation Committee Reference (MAB): MAB/477-4/2025

II. European Union Case Numbers
EU Commission Complaint No.: 86019
(Verified in the official Commission-generated document.)
EU Rule-of-Law / Funding Oversight:
Council Implementing Decision (EU) 2022/2506
Commission Resolution C(2024) 9140 final

III. Evidentiary Verification Statement
All case numbers, filings, appendices, legal submissions, and evidentiary materials can be independently verified through the author's **ORCID profile (0009-0005-4228-1124).**
The ORCID functions as the master directory containing:
The Administrative Obstruction in the European Union Medical Education: Series
SSRN DOIs
ResearchGate uploads
Photographic appendices
Specimen deficiency documentation
Gatekeeper of Rights I–II
NAIH Data Breach filings
The EU Commission Filing (Ref. 86019)

IV. Scope of Evidence Included in This Dossier
This Universal Identifier Page governs — and is cross-verified via **ORCID/SSRN/MAB/ECFMG/NAIH records — the following works**:
Administrative Obstruction in EU Medical Education (Series I–IV)
Denied Access to the Scalpel for Dissecting the Specimen
Specimen Deficiency as Educational Obstruction
Gatekeeper of Rights I & II
Ghost Students: The Legal Fiction of FM/CV Status
Cross-Border Acknowledgment Reports (PIPER Framework)
Administrative Obstruction V: Procedural Silence
Administrative Obstruction VI:
Fraud in Hungarian Medical Education: U.S. Federal Relevance
Over-Enrolled and Under-Served
Oral Exams Without Standards
NAIH Data Breach Filing & Evidence
EU Commission Complaint 86019 (Uploaded Document)

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Abstract:

Gatekeeper of Rights III* critically *examines Hungary's public higher-education sector as a micro-level test of the European Union's rule-of-law architecture. Employing a documentary case study centered on Semmelweis University, the paper traces how a student whistleblower's efforts to challenge unlawful data processing and exclusion from educational resources progress through national channels — including the Ombudsman, the National Data Protection Authority (NAIH), professional accreditation bodies, and the Budapest Metropolitan Court. Each institution generates formal case numbers and written acknowledgements; however, they ultimately deflect responsibility, leaving the underlying rights violations unresolved. The study conceptualizes universities as "gatekeepers of rights," whose administrative practices can effectively nullify EU-level guarantees under ***Articles 41 and 47 of the Charter, the GDPR, and Directive 2019/1937*** on whistleblowing. It then situates the Semmelweis case within the EU's Rule of Law report cycle and the conditionality framework protecting the Union budget, arguing that individual cases like this serve as evidentiary inputs rather than triggers for direct intervention. The paper concludes that the EU currently operates a reputational rather than remedial model of oversight in higher education and that systematically documented case studies are essential to exposing this structural deficiency ahead of the 2026 Rule of Law cycle.

Keywords: Hungary; Semmelweis University; higher education governance; EU Rule of Law; rule-of-law conditionality; GDPR; data protection; whistleblowing; academic freedom; administrative justice; EU Charter of Fundamental Rights.

I. July 8, 2025 — The First Signal to Brussels

On **July 8, 2025**, the European Commission officially acknowledged Complaint No. 86019, marking the first time the Semmelweis administrative obstruction case moved beyond national oversight and entered the European Union's institutional awareness. As of November 20, 2025, the dispute was still confined to Hungarian authorities—the **Ombudsman (EBF–AJBH–309–2025), the National Authority for Data Protection (J-427-3/2025), the Administrative Court (7. Kpk. 750.239/2025/2), the Accreditation Committee Reference (MAB): MAB/477-4/2025, and internal university officials whose responses ranged from silence to procedural deflection**. On November 20, 2025, the researcher referenced the legal case study evidentiary dossier **ORCID iD: 0009-0005-4228-1124 (universal case identifier)** to Mr. Cappier in response to the Commission's written recognition on **July 8, 2025**. This marked a structural shift: the case was now part of the Union's administrative record, protected by EU Charter rights, and gained increased cross-border visibility.

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR EDUCATION, YOUTH, SPORT AND CULTURE

Performance Management, Supervision and Resources
Organisational Performance, Supervision and Legal Affairs

Brussels
EAC.R.1.002/ESB

Mr Siddhartha Harsh Wardhan
Budapest Fifth District
1056
Hungary

By email only:
swardhan1@icloud.com

Subject: Your submission of 30 June 2025 against Hungary

Dear Mr Harsh Wardhan,

I refer to your submission of 30 June 2025 ([1]) related to an administrative decision by the Semmelweis University (Faculty of Medicine) in Budapest, which refused your access to practical exercises.

Summary of your submission

In your submission, you inform the Commission services about alleged maladministration by the Semmelweis University (Faculty of Medicine) in Budapest, in connection with your participation in the Macroscopic Anatomy and Embryology II course during the 2024/2025 academic year. You state that, despite being fully registered for the course and having fulfilled all academic and financial obligations, previously granted permissions were arbitrarily revoked, and consequently you were denied access to the required dissection laboratories and practical sessions held at the Department of Anatomy. You claim that this decision significantly impaired your ability to acquire the knowledge necessary to sit the final examination for the course. You allege that attempts to seek redress through the university's administrative channels were unsuccessful. You further report that other international students have experienced similar issues, suggesting potential systemic deficiencies.

You contend that these actions constitute a breach of the right to education enshrined in Article 14 of the EU Charter of Fundamental Rights ("EU Charter"), as well as key standards under the Bologna Process and Erasmus+ framework. You also highlight a lack

([1]) Registered under reference number Ares(2025)5266848.

From: **Siddhartha Wardhan** swardhan1@icloud.com
Subject: Re: [Re] Your submission of 30 June 2025 against Hungary - Ares(2025)5508553
Date: November 20, 2025 at 1:24 AM
To: EAC UNITE R1 eac-unite-r1@ec.europa.eu

Siddhartha Harsh Wardhan

ORCID: 0009-0005-4228-1124
Email: swardhan1@icloud.com

November 20, 2025
European Commission
Directorate-General for Justice and Consumers (DG JUST)
1049 Brussels, Belgium
Cc: Directorate-General for Education, Youth, Sport and Culture (DG EAC)
Rue Joseph II 70, 1000 Brussels, Belgium

Re: ***Update to Case No. 86019 – Administrative Obstruction and Discriminatory Governance in Hungarian Higher Education (Semmelweis University)***

Dear Commission,

I write to update **Case No. 86019** with a consolidated evidentiary record demonstrating that the denial of compulsory educational access and the administrative obstruction I faced at ***Semmelweis University (Sept 2024–Nov 2025)*** are not isolated irregularities but elements of a structural governance pattern in Hungary that infringes the ***EU Charter (Arts. 14, 21, 41, 47)***, conflicts with ***ESG/WFME***quality-assurance norms, and mirrors deficiencies previously noted in the ***Commission's Rule-of-Law reporting***. The expanded record is publicly archived and independently verifiable through my **ORCID profile (0009-0005-4228-1124),** which links to distributed SSRN papers in this series, including **Administrative Obstruction in EU Medical Education VI (SSRN ID 5755943),** ***Gatekeeper of Rights II (ID 5628170), Administrative Obstruction in the European Union Medical Education: III (ID 5418874), Administrative Obstruction IV – Unwritten Rules (ID 5418897), Denied Access to the Scalpel (ID 5375910),*** **Specimen Deficiency (ID 5399018), Educational Rights and Whistleblower Protection (ID 5384860), Gatekeeper of Rights I (ID 5380414), and Cross-Border Acknowledgment papers (IDs 5454954,**

R e f e r e n c e : 8 6 0 1 9 D o c u m e n t a u t o m a t i c a l l y g e n e r a t e d o n
30/06/2025
Complaint about alleged breach of EU law
by Hungary
Complaint form received
Reference 86019
Received on 30/06/2025
Language of communication English
Correspondence should be sent to Me
Disclosure of personal information Yes

86019
1R e f e r e n c e : 8 6 0 1 9 D o c u m e n t a u t o m a t i c a l l y g e n e r a t e d o n
30/06/2025
Personal information
Name Siddhartha
Surname Harsh Wardhan
Organisation Semmelweis University
Nationality Ireland
Email swardhan1@icloud.com
Second email siddhartha.harsh@stud.semmelweis.hu
Street and number 1056
Town [redacted]
Postcode 1056
Country Hungary

Alternative contact point (e.g. a representative)
Name
Surname
Organisation
Email
Street and number
Town
Postcode
Country
86019
2R e f e r e n c e : 8 6 0 1 9 D o c u m e n t a u t o m a t i c a l l y g e n e r a t e d o n
30/06/2025
Which EU country is your complaint about?
The EU country my complaint is about is Hungary
The national authority my Other: A public university enaging in adminstrative or

complaint is about is academic rights violations

What is your complaint about?
What did the Member State and its administration do wrong?
Pieces of evidence / supporting documents
Systematically misapplied EU law in a particular sector.
Failed to provide a remedy for defending EU rights.
Evidence proof screenshot.pdf
Describe the problem by outlining the facts and the reasons for your complaint.
I Facts/ Problems (Chronological Overview)
I, Siddhartha Harsh Wardhan, A U.S and E.U. citizen, am an international student at Semmelweis University (Faculty of Medicine, Budapest). I was denied access to dissection laboratories and blocked from attending the practical sessions held in the Department of Anatomy three times a week. This lack of access to the cadaver practicals held three times a week from Septmember 2024 to May 2025 impaired my ability to retain the necessary knowledge that I needed for final exam for Macroscopic Anatomy and Embrology II course on June 26, 2025, to recognize the muscles, arteries, and veins on the upper limb, lower limb and thorax.
This occurred despite:
Being officially registered for the course during the academic year of 2024 CV 1 - 2025 FM1 - During this, I was denied access to practicals that are in the Anatomy Department of the Semmelweis University
Processing all required signatures and having completed all academic prerequisites for the final exam for the Macroscopic Anatomy and Embryology II
Paying full tuition for the academic year from 2024 - 2025 required by Hungarian and EU rules
These denials occurred without valid legal justification, and often after previously approved permissions were arbitrarily revoked without notice.
II Evidence of Misapplication and Lack of Remedy
1. My access to the dissection lab was blocked, despite being listed on the official course list.
2. I was informed that I would need to revoke the signature validity despite having passed prior assessments and receiving department sign-off
86019
3R e f e r e n c e : 8 6 0 1 9 D o c u m e n t a u t o m a t i c a l l y g e n e r a t e d o n

30/06/2025
3. Attempts to appeal through internal administration were ignored or redirected indefinitely
4. Other International students have faced similar unexplained reversals or punitive re-registration
requirements.
The action violates:
Article 14 of the Charter of Fundamental Rights of the European Union (Right to Education)
Provisions under the Bologna Process and Erasmus+ governance
EU non-discrimination standards in education, accessibility, and legal recourse
III Why EU Commission Action is Needed
Semmelweis is a recipient of EU funding and Erasmus partnerships, which implies compliance with EU
legal obligations, including denial of access to a practical course and revocation of academic progress after
completion, as well as mobility frameworks. The institutions do not provide proper remedy or oversight
in these matters, especially for international students, unfamiliar with opaque local policies.
I respectfully request an investigation, clarification, and intervention to prevent this recurring abuse.
86019
4R e f e r e n c e : 8 6 0 1 9 D o c u m e n t a u t o m a t i c a l l y g e n e r a t e d o n
30/06/2025
Your complaint will be assessed on the information that you provide in this form. You should be as concise and as specific as possible.
You must make an entry in all the data fields that have an (*) and fill in as many of the other fields as possible.
Before submitting your complaint, you should read about how the Commission handles complaints about EU countries' breaches of EU law.
Complaints that are insulting or fanciful and that do not require a substantive response will not be answered.
If the correspondence becomes repetitive (for example, successive letters on the same topic that does not introduce new information) or that is abusive, pointless and/or improper, we reserve the right to discontinue the correspondence.
All complaints must be submitted in one of the EU's official languages: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish. Complaints submitted in any other language will not be answered.
Do not include in your complaint any personal data belonging to third parties or personal data that is sensitive, unless it is strictly necessary for the handling of your complaint. By submitting any special categories of personal data in the meaning of Article 10(1) of Regulation 2018/1725, you provide your explicit consent to the processing of such personal data.
Privacy statement
☑ I have read and understood all the above.
86019
5

The **Standard EU Complaint Form No. 86019** confirms that the EU formally logged allegations of **denial of compulsory anatomy access, arbitrary demands to revoke signatures, inconsistent FM/CV enforcement, and broader administrative obstruction that impairs academic progression** (European Commission 2025). Notably, the Commission did not dispute the factual claims. Instead, it clarified that although the issues raised fell under rights protected by the EU legal order, primary competence rested with Hungarian administrative bodies. In effect, the Commission signaled that the substance of the case was credible, rights-relevant, and procedurally serious—but must be resolved domestically before EU intervention could occur.

This acknowledgment serves as the **initial external audit marker** in the **Gatekeeper of Rights I-III series.** Whereas **Gatekeeper of Rights I** demonstrated that **Hungary's domestic rights-protection institutions routinely rely on ambiguity and administrative delay**, and Gatekeeper of Rights II documented service errors and premature termination threats contradicting Act CL of 2016, the July 8 acknowledgment established that the case had crossed a jurisdictional boundary into the Union's institutional memory (Wardhan 2025a; Wardhan 2025b).

1.1. Why July 8 Matters in the Gatekeeper Series

July 8 is significant because it highlights the contrast between the EU's acknowledgment and Hungary's inaction. While local authorities remained silent, the Commission took steps by recognizing the issue, summarizing the complaint, and submitting it to an international system—actions not taken by the ***Ombudsman, NAIH, MAB, the Hungarian Administrative Court, or the University***. This shows EU awareness rather than expertise. From that point on, every act of silence, delay, or procedural hesitation by Hungarian authorities adds to a broader picture of the rule of law. As explained in **Administrative Obstruction V: Procedural Silence**, long periods of inaction constitute **hivatali mulasztás (neglect of administrative duty) under Act CL/2016 (Wardhan 2025c).** Moreover, ***Administrative Obstruction in the EU medical education: VI*** connects such inaction to systemic issues involving equality of treatment, assessment accuracy, and resource availability—**factors that influence ESG and WFME accreditation** (Wardhan 2025d). Therefore, July 8 marks the date when the case became visible to Brussels, while Hungary allowed procedural neglect to continue unchecked.

I .2. Cross-Border Visibility Begins

Soon after the EU acknowledgment on July 8, 2025, the case entered additional international channels: The ***Hungarian Accreditation Committee (MAB)*** officially recorded the evidence under ***MAB/477-4/2025***, indicating that it would be reviewed during upcoming institutional and WFME accreditation cycles (Wardhan 2025e). The Cross-Border Acknowledgment series shows that **WFME, FAIMER, ECFMG**, and the Irish DFHERIS all received or acknowledged submissions between ***July and October 2025***, demonstrating transnational visibility among medical-education regulators and credentialing networks (Wardhan 2025f; Wardhan 2025g). This indicates that although the EU Commission's role was limited, its July 8 response effectively triggered an external audit environment: the case was no longer an isolated dispute but part of multiple international oversight systems.
In the context of Gatekeeper of Rights III, this is the key insight:

The EU was the first to recognize the issue. Hungary did not respond. The silence that

followed is not just administrative delay—it reflects a systemic failure in governance under EU Charter Articles 41 and 47.

II. The Collapse of Domestic Remedy: Procedural Silence After July 8, 2025

The moment immediately after the European Commission acknowledged **Complaint No. 86019** marks a key turning point in the case's administrative process. While Brussels officially recognized the allegations on **July 8, 2025**, Hungarian institutions—Semmelweis University, the Office of the Commissioner for Fundamental Rights (the Ombudsman), the **National Authority for Data Protection and Freedom of Information (NAIH), and even the Budapest Metropolitan Administrative Court—r**emained silent for a long period, effectively denying the **complainant the right to a prompt and lawful remedy**. This pattern of institutional inertia reflects what has been repeatedly documented in earlier reports: administrative obstruction in Hungary is not occasional but **systemic**.

Between **June 26 and July 3, 2025**, Semmelweis University received four internal written requests invoking **SZMSZ Articles 5, 11, 13, and 45.** These communications requested only what the law already guaranteed—lawful access to compulsory anatomy practicals. Yet, as documented in **Denied Access to the Scalpel for Dissecting the Specimen: A Legal Case Study of Academic Obstruction at Semmelweis University**, the University did not issue a single response until the Budapest Metropolitan Administrative Court compelled action through a transmission order on **July 11, 2025** (Wardhan 2025b). The resulting reply, issued on **July 14, 2025**, was therefore reactive rather than voluntary, indicating that Semmelweis University would not act unless forced from the outside.

This phenomenon—**silence as obstruction**—is defined and analyzed in detail in **Administrative Obstruction in EU Medical Education V: Procedural Silence and Compelled Response – Administrative Inaction in the Semmelweis Case (EBF–AJBH–309–2025)**. There, Wardhan shows that prolonged non-response constitutes a form of administrative **maladministration under Act CL of 2016**, which requires authorities to respond without undue delay and prohibits the use of silence to disadvantage a petitioner (Wardhan 2025c).

The Ombudsman's conduct reinforces this diagnosis. Although the Ombudsman opened **Case EBF–AJBH–309–2025** on **June 30, 2025**, the procedural record reveals a breakdown in basic administrative functioning. As documented in **Gatekeeper of Rights II: Continuing Investigation and Procedural Termination of a Whistleblower Case in Hungarian Higher Education,** the Ombudsman issued a deficiency notice dated **August 15, 2025**, but failed to ensure proper service. The letter was returned **"NOT CLAIMED"** on **September 4, 2025**, despite the complainant having provided updated contact details and despite legal requirements obliging authorities to guarantee effective service (Wardhan 2025a).
Nevertheless, on **September 30, 2025**, the Ombudsman moved to terminate the case on the grounds of "non-cooperation," thereby penalizing the complainant for an administrative error originating within the Ombudsman's own office.

This contradiction is not only unlawful under **Act CL of 2016 (duty of clear communication and service)**, but structurally consistent with the failure modes described in

Gatekeeper of Rights II—where premature termination and procedural neglect were shown to be recurring features in Hungarian educational-rights investigations.

The University's own inaction, combined with the Ombudsman's procedural shortcomings and the delayed involvement of NAIH, created an environment where no local authority provided an effective remedy—almost two months passed before NAIH officially acknowledged the data-protection complaint related to the SharePoint–Neptun exposure of personal information—an issue later explored in the **Cross-Border Acknowledgment** series (Wardhan 2025e; Wardhan 2025f; Wardhan 2025g). This delay is particularly troubling given that GDPR violations demand prompt action and careful attention to harm prevention.

Meanwhile, the substantive academic consequences of this administrative collapse were severe. As established in **Administrative Obstruction in European Union Medical Education: Systematic Discrimination and Administrative Failures in the EU Medical Program — A Legal Case Study from Semmelweis University VI,** the complainant was denied access to critical anatomy labs for an entire semester. Compounding this deprivation, the final examination was conducted using degraded anatomical specimens, creating an invalid assessment environment that violated ESG 1.3 (fair and valid assessment) and EU Charter Articles 14 and 21 (Wardhan 2025d).
Taken together, the evidentiary record shows that the period between **July 8 and early October 2025** was defined by:

Silence by Semmelweis University
Improper service and procedural drift by the Ombudsman
Delayed acknowledgment by NAIH
Absence of corrective engagement by any domestic authority

In other words, the domestic remedy didn't just fail; it stopped working altogether. This breakdown in administrative responsibilities contrasts sharply with the European Commission's transparent and responsive approach on July 8, 2025. While Brussels recognized the issue, Hungary stayed inactive. According to the **EU Charter of Fundamental Rights**—specifically **Articles 41 (right to good administration) and 47 (right to an effective remedy)**—such prolonged silence amounts to a systemic failure in governance. Section II emphasizes this key point of Gatekeeper III: after the EU acknowledged the case, Hungary's institutions went silent. The domestic remedy didn't just temporarily fail — it completely collapsed and disappeared.

II.X The Fictional October 6 Hearing Date and the November 20–21 Procedural Dismissal

The ***November 20–21, 2025***, dismissal by the *Budapest Metropolitan Administrative Court* adds a further, more troubling layer to the breakdown of the domestic remedy. In its order, the court found that a key procedural step occurred on **October 6, 2025**, treating it as a significant turning point in the case. However, there is **no verifiable record**—no served summons, no minutes, no transcript, no postal acknowledgment—indicating that any effective hearing, notice, or adversarial step took place on that date. The "**October 6"** reference, therefore, acts as a **fictional anchor** in the court's reasoning: a date used to justify procedural closure

without a corresponding, provable event in the complainant's file. This mirrors the Ombudsman's earlier reliance on a "not claimed" postal notice to terminate EBF–AJBH–309–2025, despite the lack of proper service and the complainant's documented efforts to keep his contact details up to date.

The parallel is striking. In the Ombudsman procedure, a ruling dated **August 15, 2025,** was sent only by post, returned marked **"NOT CLAIMED,"** and then used as grounds for termination until the complainant forced a re-service in October. In the court procedure, a submission **mailed on November 5, 2025,** was treated as untimely because it arrived on November 10, and the court's own narrative retrofitted a **fictional October 6 process point** into the file. In both instances, **service defects and timeline manipulations are attributed to the complainant**, even though he had no control over postal delays, had **no legal representative**, and acted entirely within his rights as a self-represented party.

This is not a minor detail. Under Hungarian administrative procedure and general civil-procedure principles, **the legally relevant date for a filing is the day it is posted**, not the day it lands on the judge's desk. The complainant, acting without counsel, prepared and mailed his corrective submission himself on **November 5, 2025**—a fact the court acknowledges—fulfilling his obligations within the statutory window. The delay between posting and receipt is therefore a function of **Magyar Posta and court logistics**, not of the complainant's behavior. Treating that delay as ***his fault misapplies the deadline rules and effectively weaponizes postal latency against a self-represented litigant.***

The deeper issue is structural. When courts and oversight bodies **create procedural dates—*such as an unsubstantiated "October 6" step*—**or rely on **undelivered letters** ("not claimed") to close files, they turn **form into a shield against substance**. The Ombudsman's termination based on an undelivered notice and the court's dismissal based on a late-received but timely-mailed document both show **the same pattern**: instead of engaging with the merits of educational rights and discrimination claims, institutions build a procedural story that justifies inaction. This is precisely the failure mode that ***Gatekeeper of Rights II*** identified as **"procedural closure replacing substantive review."** It conflicts with both **Act CL of 2016** (duty of proper service and timely action) and **Article 47 of the EU Charter**, which requires a **practical and effective remedy**, especially for individuals exercising their rights without legal representation.

Finally, the complainant's self-representation is not an irregularity but a right. Under both Hungarian law and EU fundamental rights doctrine, individuals may **petition courts and oversight bodies directly**, without an attorney, particularly in matters concerning their own education, data protection, and equal treatment. That right, however, is hollow if fictional procedural dates, mischaracterized delays, or uncorrected service defects neutralize self-represented filings. In this sense, the **November 20–21, 2025** order is not merely a technical dismissal; it is a **case study in how domestic judicial procedure can be used to avoid engagement with EU-protected rights**, thereby reinforcing the systemic failure of domestic remedy documented throughout **Gatekeeper of Rights III.**

Budapest Metropolitan Court order rejecting the claim on procedural grounds, case no 7.K.703.536/2025/6, November 12, 2025.

Fővárosi Törvényszék
7.K.703.536/2025/6.

A személyesen eljáró felperes: Siddartha Harsh Wardhan
(1056 Budapest, Belgrád rakpart 4. fszt. 4.)
Az alperes: Semmelweis Egyetem (1085 Budapest, Üllői út 26.)
Az alperes képviselője: dr. Szász Mária Emese kamarai jogtanácsos
A per tárgya: oktatásügyi tárgyú közigazgatási jogvita

VÉGZÉS

A bíróság a keresetlevelet visszautasítja.

A végzés ellen a közléstől számított 15 (tizenöt) napon belül fellebbezésnek van helye. A fellebbezést a Fővárosi Ítélőtáblához címezve, a Fővárosi Törvényszéken kell benyújtani. A fellebbezést jogi képviselő nélkül eljárva postai úton papír alapon vagy választás alapján elektronikus úton, jogi képviselő, illetőleg elektronikus kapcsolattartásra kötelezett fél esetén – a másodfokú eljárásra kiterjedő meghatalmazás egyidejű csatolása mellett – elektronikus úton kell az űrlapbenyújtás-támogatási szolgáltatás igénybevételével előterjeszteni. A fellebbezésnek tartalmaznia kell az azt megalapozó jogszabálysértést, a jogszabályhely pontos megjelölésével, illetve azt a közzétett kúriai határozatot és annak azt a részét, amelytől a végzés jogkérdésben eltér. A jogszabálysértés és a megsértett jogszabályhely pontos megjelölésének elmaradása a fellebbezés hiánypótlás nélküli visszautasítása jogkövetkezményével jár.

Indokolás

A végzés alapjául szolgáló releváns tényállás

[1] A felperes az alperessel szemben keresetlevelet terjesztett elő, melyben az alperessel szemben megfelelő jogorvoslat biztosítását kérte a bíróságtól. Hivatkozott arra, hogy ügye az AJB-3235/2025. számú ombudsmani esettel kapcsolatos. Kérelméhez több mellékletet csatolt, magyar, illetve angol nyelven.

[2] Tekintettel arra, hogy a felperes keresetlevele tartalmában hiányos volt, a bíróság a 2. sorszámú végzésével a felperest 15 napos határidő tűzésével – visszautasítás terhe mellett – hiánypótlásra hívta fel, illetőleg figyelmeztette, hogy amennyiben a keresetlevelet a megadott határidőn belül nem adják be vagy újból hiányosan adják be, a bíróság azt vissza fogja utasítani.

[3] A felperes a bíróság 2. sorszámú végzését 2025. október 06. napján meghatalmazottja útján átvette, azonban a bíróság által megadott határidőn belül, 2025. október 21. napjáig a 2. ssz. alatti végzésben foglaltaknak nem tett eleget, a felhívott hiányokat nem pótolta, nyilatkozatot nem terjesztett elő. A felperes csak 2025. november 05. napján adott postára nyilatkozatot, amely a bírósághoz 2025. november 10. napján érkezett be.

4] Az alperes védiratában a keresetlevél visszautasítását kérte a közigazgatási perrendtartásról szóló 2017. évi I. törvény (a továbbiakban: Kp.) 48. § (1) bekezdés e) pontja alapján.

A bíróság döntése és annak jogi indokai

] A Kp. 48. § (1) bekezdés j) pontja alapján a keresetlevelet a bíróság visszautasítja, ha a felperes a hiánypótlási felhívás teljesítésére rendelkezésre álló határidőben a keresetlevelet nem, vagy újból hiányosan nyújtotta be, és emiatt a keresetlevél nem bírálható el.

Fővárosi Törvényszék
7.K.703.536/2025/6.

[6] A bíróság megállapította, hogy a felperes a bíróság 2. sorszámú végzésében foglalt felhívásnak a megadott határidőn belül nem tett eleget. A határidőn túl postára adott nyilatkozata annak elkésettsége folytán joghatás kiváltására nem alkalmas, ezért az abban foglaltak vizsgálatát a bíróságnak mellőznie kellett.

[7] A hiánypótlási felhívás teljesítésének elmaradása a keresetlevél visszautasítását vonja maga után, mivel emiatt a keresetlevél nem bírálható el, ezért a bíróság a Kp. 48. § (1) bekezdés j) pontja alapján a rendelkező rész szerint határozott. A bíróság a hiánypótlás elmaradása okán nem került abba a helyzetbe, hogy az alperes által hivatkozott Kp. 48. § (1) bekezdés e) pontjának fennállát vizsgálja, mivel a felperes a bíróság felhívására nem jelölte meg azt a közigazgatási tevékenységet sem, amelyet keresetével támad.

[8] A bíróság a kézbesítési cím vonatkozásában tájékoztatja a felperest, hogy a peres eljárásban csak egy kézbesítési címet tarthat nyilván a bíróság, a joghatások a bírósági iratok közlésével állnak be, ezért nincs lehetőség arra, hogy a fél több kézbesítési címet adjon meg. A felperes – a nem joghatályosan előterjesztett, 5. ssz. alatti beadványában – az ellenérdekű félhez kapcsolódó, másodlagos kézbesítési címet jelölt meg, amely a kézbesítés aggályosságát vetné fel tekintve, hogy a megadott cím az alperes könyvtára. Amennyiben a felperesnek szóló iratot az ellenérdekű fél, illetve annak meghatalmazottja veszi át, az felperes vonatkozásában nem tekinthető szabályszerű kézbesítésnek. A bíróság ezért a felperes által eredetileg közölt kézbesítési címet tartja nyilván, amely címről a bírósági iratok kézbesítése – felperesi meghatalmazott útján történő átvétellel – szabályszerű volt. Megjegyzendő, hogy a felperesnek lehetősége van a perben az elektronikus kapcsolattartásra is.

[9] A Kp. 48. § (3) bekezdésében foglaltak értelmében az alperes a keresetlevél visszautasítása esetén a védirat előterjesztésének költségét nem számíthatja fel, így a bíróság a perköltség tekintetében a döntéshozatalt mellőzte.

[10] Az illetékekről szóló 1990. évi XCIII. törvény (a továbbiakban: Itv.) 57. § (1) bekezdés a) pontja alapján az eljárás illetékmentes, ezért illetékviselésről nem kellett határozni.

[11] A végzés elleni fellebbezés lehetőségét a Kp. 48. § (4) bekezdése biztosítja. A Fővárosi Ítélőtábla előtti fellebbezési eljárásban a jogi képviselet a Kp. 27. § (1) bekezdése alapján nem kötelező. A fellebbezésben a jogszabálysértést a jogszabályhely pontos megjelölésével kell előadni a Kp. 100. § (2) bekezdés b) pontjára figyelemmel. A jogszabálysértés megjelölésének elmaradása a fellebbezés hiánypótlás nélküli visszautasítása jogkövetkezményével jár.

Budapest, 2025. november 12.

Petőné dr. Sipka Judit s.k.
bíró

A kiadmány hiteléül:

FŐVÁROSI TÖRVÉNYSZÉK 339. BUDAPEST

II [X] EU-Level Diagnosis of Legal-Administrative Obstruction and Its Limits

The European Union has already recognized that the main structural barriers to integration are not created in ***Brussels but within Member States*** themselves. In its cross-border review, the ***European Commission*** identified **239 specific obstacles** to cooperation in border regions. It classified most of these as stemming from **national legislation and administrative practices** rather than EU law. Legal inconsistencies at the national or regional level created over 100 obstacles, with nearly as many stemming from administrative practices alone. At the same time, only a small portion could be directly linked to Union legislation. Overall, these findings constitute an official EU diagnosis: the most harmful obstacles are caused and sustained by domestic authorities, not by the Treaties or secondary law.

The same review also identified where these obstacles tend to cluster. Over ninety percent of the documented barriers were found in five sectors: **labor and education**, **social security and health**, **transportation and mobility**, **industry and trade**, and **public planning**. Education and health were explicitly recognized as high-risk areas for legal and administrative barriers, where formally lawful rules and practices can still hinder the effective enjoyment of rights and the functioning of the internal market. Border regions served as the analytical focus. However, the mechanisms described—fragmented responsibilities, discretionary administrative actions, and the lack of an effective corrective forum—are not structurally limited to geographical borders. They appear wherever public authorities can use "technical" rules, silence, or delays as a de facto veto on individual rights.

Economically, the ***Commission's services*** resulted in a measurable loss. One of the studies underpinning the proposal estimated that eliminating **only 20%** of known cross-border obstacles could raise GDP in border regions by approximately **2%**. The implication is straightforward: administrative obstruction is not a marginal annoyance; it is a structural drag on growth, labor mobility, and access to services. When those obstacles occur in education and health, the impact extends beyond GDP into long-term human capital formation and the credibility of professional qualifications across the Union.

Against this background, the Commission tabled a legislative proposal for a **mechanism to address legal and administrative obstacles in cross-border contexts** (often referred to as the "ECBM/ECBC" file). The core idea was legally simple and politically sensitive: for a **specific cross-border project**, a Member State would be allowed—voluntarily—to **apply the law of a neighboring Member State** where its own law created an otherwise insurmountable obstacle. The proposal introduced two instruments: a **European cross-border commitment**, which operates as a self-executing derogation for a defined project, and a **European cross-border statement**, through which a state commits to amend its own legislation to remove the obstacle over time. In both cases, the mechanism was explicitly limited to legal and administrative barriers and did not attempt to harmonize substantive law generally.

Existing instruments, such as **European Groupings of Territorial Cooperation (EGTCs),** were explicitly acknowledged as insufficient. EGTCs can provide a shared legal personality for cross-border entities. Still, they have **no regulatory powers** and cannot unilaterally resolve conflicts of applicable law or override obstructive administrative practice.

The Commission and specialized stakeholder networks, therefore, framed the ECBM proposal as a genuine **innovation** aimed at breaking through entrenched bureaucratic blockages in precisely those areas the cross-border review had flagged—labor, education, health, and public services.

Yet despite support in the ***European Parliament, the Committee of the Regions***, and cross-border organizations, the file stalled in the Council. The Council Legal Service questioned the suitability of **Article 175(3) TFEU** as a legal basis, particularly for the self-executing ***"commitment"*** instrument, and argued that a mechanism adopted under that provision could not simply be applied on a purely voluntary, project-by-project basis by some Member States and not others. In ***May 2021, the Council's Structural Measures Working Party*** decided not to continue work on the proposal, and by October 2021, the Parliament was debating the Council's "lack of will" to proceed. The legislative process has effectively been frozen since then.

From a ***rule-of-law perspective***, this failure is more than a technical legislative setback. It shows that even **when the Union recognizes legal-administrative obstruction as a structural problem and designs a targeted corrective mechanism**, that instrument can be neutralized at the Council level before it ever becomes available to affected individuals or institutions. The result is a systemic asymmetry: Member States retain extensive freedom to create and maintain obstacles through ***national law and administrative practice***, but there is no functioning EU-level tool to override or neutralize those obstacles once they harden into practice.

The **Semmelweis University case study** sits squarely inside this structural gap. The sectors involved—medical education, access to teaching infrastructure, and the recognition of student status—map directly onto the high-risk domains identified in the Commission's own cross-border review. The documented pattern of **administrative silence, conflicting internal regulations, missing or non-communicated decisions, and the collapse of domestic remedies** (ombudsman closure, administrative court procedural rejection, regulatory non-intervention) illustrates, at micro level, the same type of legal-administrative obstruction that the ECBM proposal sought to address at macro level. Here, however, the obstruction is internal to one ***Member State's higher-education system*** rather than cross-border; there is no neighboring legal order available to "borrow" for a corrective solution.

In this configuration, the only ***remaining EU-level*** instrument is **reputational** rather than remedial. The Commission's annual **Rule of Law report** and related monitoring exercises by external bodies (***such as ECFMG, WFME/FAIMER and foreign recognition authorities***) become the ***de facto forum in which patterns of obstruction*** can be aggregated, interpreted and, eventually, used to inform decisions on **funding**, **accreditation** and **mutual recognition**. Individual cases such as the Semmelweis dispute do not trigger direct intervention in national proceedings, but—once properly documented and indexed—they supply precisely the kind of **evidentiary material** that the ***EU's own analytical work says is needed to identify systemic failure.*** In the absence of a ***functioning ECBM-type corrective mechanism***, the route from individual obstruction to ***EU-level consequence is therefore indirect***: through publication, external indexing and incorporation into the **2026 Rule of Law cycle** and parallel accreditation reviews.

In other words, the combination of (***1) official EU recognition that education and health are high-risk sectors for legal-administrative obstruction, (2) the Council's effective shelving of a proposed corrective mechanism, and (3) documented collapse of domestic remedies in a concrete higher-education case, together expose a structural blind spot.*** The Union can diagnose and report on administrative obstruction, but it lacks a direct instrument to cure it. That is precisely why individual documentation, publication and cross-referencing into EU-level monitoring processes becomes not only legitimate, but necessary.

III. Systemic Failure Across Agencies: A Multi-Layer Breakdown of Regulatory Oversight

If Section II showed the collapse of domestic remedies due to silence, Section III reveals that this silence was not isolated but systemic across all oversight institutions responsible for protecting educational rights in Hungary. From **Semmelweis University to the Ombudsman, from NAIH to the Hungarian Accreditation Committee (MAB), evidence from July 8, 2025, through November 20, 2025**, shows a coordinated failure among all relevant bodies. This is not just an administrative coincidence — it is a **governance failure.**

The pattern becomes clearer when viewed in the context of the documented trail already established in the ***Administrative Obstruction in the European Union Medical Education: I-VI***, ***Gatekeeper of Right: I-II***, and ***Cross-Border Acknowledgment I-IV series***. This trail repeatedly highlights a recurring governance pattern: institutions acknowledge receipt but refuse to intervene, creating an illusion of participation without offering actual remedies.

3.1. University Administration — Discretion Without Accountability

Across the published record, Semmelweis University appears not as a passive participant but as the source of administrative obstruction. In **Administrative Obstruction in European Union Medical Education: Systematic Discrimination and Administrative Failures in the EU Medical Program — A Legal Case Study from Semmelweis University VI**, it is shown that the ***Anatomy Department*** imposed conditions for lab access that were neither written into the SZMSZ nor consistently applied across departments (Wardhan 2025d). FM/CV students in ***Biochemistry and Biophysics*** retained access to practicals; only Anatomy enforced a signature-revocation regime with no statutory or regulatory basis. Capacity issues, specimen shortages, and unregulated assessment environments worsened the arbitrary nature of this rulemaking. The institution's refusal to correct these violations—even after they were formally raised in writing—reflects not oversight but immunity from oversight.

3.2. The Ombudsman — Recognition Without Remedy

The Ombudsman's performance, analyzed in depth in **Gatekeeper of Rights II: Continuing Investigation and Procedural Termination of a Whistleblower Case in Hungarian Higher Education,** shows a dysfunction in rights protection that mirrors broader EU concerns about the rule of law (Wardhan 2025a). The failure to properly serve the deficiency notice, followed by a termination threat based on that failed service, indicates a rights-protection body unable—or unwilling—to correct procedural injustices.

Rather than investigate the substance of the discrimination claim, the Ombudsman's process became a bureaucratic loop in which formalism replaced fairness and process replaced

justice. Even after re-service corrections in October 2025, the office did not issue any substantive finding, leaving the complainant in a procedural vacuum.

3.3. NAIH — Documented Awareness, Delayed Action

As later examined in the Cross-Border Acknowledgment series, the National Authority for Data Protection (NAIH) registered the whistleblower complaint related to the SharePoint–Neptun breach but did not acknowledge the investigation until October, nearly two months after receipt (Wardhan 2025e; Wardhan 2025f; Wardhan 2025g). Given that GDPR Articles 5 and 25 require immediate attention to personal data exposure risks, this delay constitutes a failure to meet legal responsibilities.

Additionally, NAIH took no corrective action despite clear evidence that hundreds of students' academic statuses and Neptun IDs had been exposed in an editable spreadsheet—an incident directly violating GDPR principles of data minimization and confidentiality. Such inaction is not a procedural backlog; it is a structural failure.

3.4. MAB (Hungarian Accreditation Committee) — Passive Engagement with WFME Cycles

The **Hungarian Accreditation Committee (MAB)** plays a unique role by operating at the intersection of national oversight and international accreditation. In ***Cross-Border Acknowledgment III – Institutional Record of Accreditation Correspondence (MAB/477-4/2025),*** MAB confirmed that the complainant's evidence had been added to the QA docket for upcoming institutional and WFME accreditation cycles (Wardhan 2025e). This proves that Semmelweis University's conduct had reached a level relevant to accreditation.

However, MAB made it clear that it would not intervene directly. It accepted the evidence, logged the case, and deferred oversight to future review cycles—delaying the remedy by at least 1 to 2 years. This delay has serious consequences: during the period of active obstruction, MAB acknowledged the issues without acting, reproducing the institutional inertia seen in the Ombudsman and NAIH. This is what Wardhan calls the *PIPER phenomenon*—the ***Passive Institutional Perceptive Engagement Record***—where institutions recognize wrongdoing but do nothing about it (Wardhan 2025f). Acknowledgment becomes a substitute for action; awareness replaces remedy.

3.5. The Administrative Court — Procedural Formalism Without Deep Review

While the ***Budapest Metropolitan Administrative Court*** ordered the university to respond by ***July 11, 2025***, it did not clarify whether the demand to revoke the signature or the FM/CV exclusion was lawful. As analyzed in ***Administrative Obstruction in the European Union Medical Education V: Procedural Silence and Compelled Response,*** the judicial response was purely procedural—passing documents, requiring responses, but not interpreting the law or resolving the core violation (Wardhan 2025c). Under the **EU Charter's Article 47** right to an effective remedy, courts must do more than just forward documents. They must assess whether administrative acts are legal. In this case, the court's role effectively stopped at forwarding paperwork, leaving the substantive rights violation unresolved.

3.6. The Systemic Pattern: A Multi-Agency Failure

Together, these institutions' inactions form a governance map marked by university obstruction, procedural decay at the Ombudsman, delays at NAIH, passive accreditation, and minimal judicial intervention. This pattern is intentional and supported by findings in **'Administrative Obstruction in European Union Medical Education VI**,' which states that international medical students in Hungary face vulnerabilities due to flaws in both institutional and national governance (Wardhan 2025d). Each agency's failure worsens the next, creating a cycle of inertia where no authority offers real solutions. The EU's acknowledgment on July 8 serves as the baseline to measure Hungary's systemic failures. While the Commission recognized the issue, no domestic authority responded.

IV. Evidence of EU-Level Concern: GDPR Violations, Accreditation Risk, and Rule-of-Law Implications

While ***Sections II and III*** established the domestic breakdown, Section IV shows why these failures resonate at the European level. After the European Commission's acknowledgment on **July 8, 2025,** subsequent events revealed violations of the GDPR, ESG/WFME standards, and fundamental EU rights.

4.1 GDPR Violations and the Collapse of Data-Protection Governance

In ***mid-August 2025***, Semmelweis University distributed an editable SharePoint spreadsheet with students' names, Neptun IDs, and academic statuses. This incident, documented in the ***Cross-Border Acknowledgment*** series, violated GDPR principles and revealed a systemic weakness in protecting students' data rights (Wardhan 2025e; Wardhan 2025f; Wardhan 2025g).

Evidence of Correspondence:

Whistleblower Disclosure – Student Data Breach at Semmelweis University

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From: Siddhartha HARSH WARDHAN siddhartha.harsh@stud.semmelweis.hu To: ugyfelszolgalat@naih.hu , privacy@naih.hu

Date: Sun, Aug 17, 2025, 7:00 AM

Appendix data breach of student academic status .pdf 87 KB

Dear Sir/Madam,

I am submitting this complaint in my capacity as a **registered full-time student at Semmelweis University (EM14 English Program)** and a **protected whistleblower under Act XXV of 2023**.

My case is formally registered under:

- **Hungarian Administrative Court CaseNo.: 7.Kpk.750.239/2025/2**
- **Ombudsman CaseNo.: EBF–AJBH–309–2025**

The Incident

On **August 13, 2025**, Semmelweis University distributed an email titled *"Survey About Academic Progress"* to first-year medical students.

The message (sent from *neptun_noreply@semmelweis.hu*) instructed students to access a **live, editable Microsoft SharePoint Excel file** and select their academic progression status.

This file required students to link publicly:

- Their **full name**
- Their **Neptun ID** (unique institutional identifier)
- Their **academic standing** (e.g., "finished all first-year subjects," "still repeating," "EOAY").

I have attached the **original email (Appendix – Data Breach Proof PDF)** as primary evidence. The file includes the email content, the SharePoint link, and the official signatures of the first-year registrars.

Legal Concerns

This practice violates multiple data protection principles:

- **GDPR (Regulation (EU) 2016/679):**

- Article 5(1)(a): Lawfulness, fairness, transparency
- Article 5(1)(c): Data minimization
- Article 5(1)(d): Accuracy (self-reported academic status without verification)
- Article 5(1)(f): Integrity and confidentiality (editable format
- allowed tampering) Article 25: Data protection by design and

default

- **Hungarian law:**
  - Act CXII of 2011 on Informational Self-Determination and Freedom of Information
  - Act CCIV of 2011 on Higher Education (student dignity and equal treatment)

This incident forced students to **self-disclose academic failures or successes** to peers, creating reputational risks, stigmatization, and the possibility of falsification.

Whistleblower Context

This **disclosure is made under my protected status (Act XXV of 2023)** and forms part of my broader legal case against administrative obstruction in Hungarian higher education.

The evidence is also preserved as part of my **academic publications**, ensuring transparency.

Public Disclosure Record

Administrative Obstruction in EU Medical Education:
A Legal Case Study from Semmelweis University

Hungarian Administrative Court Case No.: 7.Kpk.750.239/2025/2

Ombudsman Case No.: EBF–AJBH–309–2025

Protected Disclosure: Act XXV of 2023 (Hungary)
This appendix confirms that the attached evidence has been formally published as a public disclosure and archived for transparency.

Publication Platform: SSRN (Social Science Research Network)

Request for Action

I respectfully request that NAIH:

1. Open an investigation into this data breach.
2. Require corrective measures to prevent recurrence (e.g., anonymized reporting, secure systems).
3. Could you confirm that you got this disclosure as part of my whistleblower case?

Attached evidence:

-
- PDF: *Appendix – Data Breach of Student Academic Status (Email Proof, August 13, 2025)*

Sincerely,

Siddhartha Harsh Wardhan
Medical Student (EM14 – Faculty of Medicine, English Program)
Semmelweis University – Budapest
siddhartha.harsh@stud.semmelweis.hu | Secure Contact:
studentrights34@proton.me +36 70 350 4077
U.S. Citizen & EU Citizen (Irish)

Tisztelt Hatóság,

Alulírott, a **Semmelweis Egyetem (ÁOK – EM14 angol nyelvű képzés) beiratkozott, teljes idejű hallgatója**, ezúton teszek **közérdekű bejelentést** és nyújtok be **panaszt** az **2023. évi XXV. törvény** (Panasztörvény és közérdekű bejelentések védelme) alapján, mint **védett bejelentő**.

Ügyem hivatalosan az alábbi ügyiratszámok alatt van nyilvántartva:

- **Fővárosi Törvényszék, Közigazgatási peres ügy száma:** 7.Kpk.750.239/2025/2
- **Ombudsman ügyszám:** EBF–AJBH–309–2025

Az eset

4. augusztus 13-án a Semmelweis Egyetem „**Survey About Academic Progress**” tárgyú e-mailt küldött az elsőéves hallgatóknak.

Az üzenet (feladó: *neptun_noreply@semmelweis.hu*) arra utasította a hallgatókat, hogy egy **élő, szerkeszthető SharePoint Excel táblázatban** jelöljék meg a tanulmányi státuszukat.

A táblázat nyilvánosan összekapcsolta a következő adatokat:

- **Teljes név**
- **Neptun kód** (egyedi hallgatói azonosító)
- **Tanulmányi előrehaladás** (pl. „minden tárgy teljesítve”, „ismétlő”, „EOAY”)

Bizonyítékként mellékelem az eredeti egyetemi e-mailt (PDF – *Hallgatói státuszadatok megsértése, 2025. augusztus 13.*).

Jogi aggályok

Ez a gyakorlat sérti az alábbi adatvédelmi szabályokat:

- **GDPR (2016/679/EU rendelet):**
    - 5. cikk (1) bekezdés a) – jogszerűség, tisztességesség, átláthatóság
        1. cikk (1) bekezdés c) – adattakarékosság

5. cikk (1) bekezdés d) – pontosság (önbevallás, ellenőrizhetőség nélkül)

5. cikk (1) bekezdés f) – integritás és bizalmas jelleg

(szerkeszthető formátum) 25. cikk – beépített és

alapértelmezett adatvédelem

- **Magyar jog:**
  - 2011. évi CXII. törvény – az információs önrendelkezési jogról és az információszabadságról

    2011. évi CCIV. törvény – a nemzeti felsőoktatásról (a hallgatói méltóság és egyenlő bánásmód biztosítása)

Ez az eljárás arra kényszerítette a hallgatókat, hogy **nyilvánosan felfedjék tanulmányi előmenetelüket**, kockáztatva ezzel a megbélyegzést, reputációs sérelmet, valamint a manipuláció lehetőségét.

Közérdekű bejelentői státusz

Ez a bejelentés a **védett bejelentői státuszom** részeként történik (2023. évi XXV. törvény), és kapcsolódik a magyar felsőoktatásban tapasztalt rendszerszintű akadályoztatásról szóló ügyemhez.

Az anyagot egyúttal **akadémiai publikációban is archiváltam** a nemzetközi átláthatóság érdekében (SSRN preprint, QR-kód és DOI hivatkozás mellékelve – *Exhibit K*).

Kérésem a Hatósághoz

Tisztelettel kérem a Hatóságot, hogy:

1. Indítson vizsgálatot az adatvédelmi incidens ügyében.

2. Kötelezze az intézményt megfelelő intézkedések megtételére (anonimizálás, biztonságos adatkezelés).

3. Erősítse meg a bejelentésem kézhezvételét, és vegye nyilvántartásba, mint védett közérdekű bejelentést.

Mellékletek:

- PDF: *Hallgatói státuszadatok megsértése (bizonyító e-mail, 2025. augusztus 13.)*
- PDF: *Exhibit K – Közérdekű közzétételi nyilvántartás (QR-kód + DOI)*

Tisztelettel,

NAIH's delayed response, only arriving in October, demonstrated that Hungary's data-protection governance was neither prompt nor aligned with GDPR standards. As ***Gatekeeper of Rights II*** highlighted, this procedural drift is not an anomaly but a recurring feature of the national administrative landscape (Wardhan 2025a).

National Authority for Data Protection and Freedom of Information (NAIH), letter to the author, case no J-427-3/2025, received October 10, 2025 (on file with the author).

Elektronikusan aláírta:
Dr. Péterfalvi Attila András
2025-10-10 - 08:49:54 +0200
Szigó

Nemzeti Adatvédelmi és
Információszabadság Hatóság

Ügyszámok: J-427-3/2025.

Tisztelt Bejelentő!

A **Nemzeti Adatvédelmi és Információszabadság Hatóság** (a továbbiakban: **Hatóság**) részére
Siddhartha Harsh Wardhan (a továbbiakban: **Bejelentő**) által elektronikus úton megküldött, a Hatóságnál 2025. augusztus 18. napján érkeztetett bejelentését (a továbbiakban: **Bejelentés**) a Hatóság átvette és azt a panaszokról, a közérdekű bejelentésekről, valamint a visszaélések bejelentésével összefüggő szabályokról szóló 2023. évi XXV. törvény alapján megvizsgálta, melynek alapján a Hatóság az alábbiakról tájékoztatja a Bejelentőt.

A Bejelentő a Bejelentésében elmondta, hogy a Semmelweis Egyetem 2025. augusztus 13. napján az *ÁOK – EM14* angol nyelvű képzésen részt vevő hallgatók részére kiküldött egy „*Survey About Academic Progress*" elnevezésű élő, szerkeszthető SharePoint Excel táblázatot, melyben felhívta a címzett hallgatókat, hogy jelöljék meg tanulmányi státuszukat. A Bejelentő sérelmezte, hogy a nevezett táblázat összekapcsolja a hallgatók teljes nevét a hozzájuk tartozó egyedi neptun kóddal és a tanulmányi előrehaladásuk állapotával.

A Bejelentő kifejezetten kérte a Hatóságot, hogy indítson vizsgálatot az adatvédelmi incidens ügyében, illetve kötelezze a nevezett intézményt a megfelelő adatvédelmi intézkedések megtételére.

A Hatóság tájékoztatja a Bejelentőt, hogy a Bejelentés kapcsán hivatalból vizsgálati eljárást indít.

Kelt: Budapest, *dátum az elektronikus aláírás szerint*

Üdvözlettel:

ORCID iD: 0009-0005-4228-1124

Dr. habil. Péterfalvi Attila

elnök, c. egyetemi tanár

1055 Budapest Tel.: +36 1 391-1400 naih.hu/adatkezelesi-tajekoztatok Falk Miksa utca 9-11. KR ID: 429616918 ugyfelszolgalat@naih.hu

On **October 10, 2025, the National Authority for Data Protection and Freedom of Information (NAIH)** formally acknowledged receipt of my August 18, 2025, notification regarding the "Survey About Academic Progress" spreadsheet. It confirmed that it was initiating an ex officio investigation into Semmelweis University's linking of students' full names, Neptun IDs, and academic progress in a live, editable SharePoint file.

Kísérőlevél — NAIH részére (ajánlott, tértivevényes)

Címzett:
Nemzeti Adatvédelmi és Információszabadság Hatóság (NAIH)
Székhely: 1055 Budapest, Falk Miksa utca 9–11.
Levelezési cím: 1363 Budapest, Pf. 9.

Feladó:
Siddhartha Harsh Wardhan
Cím: 1056 Budapest, Belgrád rakpart 4. Fsz. 4
E-mail: siddhartha.harsh@stud.semmelweis.hu
Proton: student.rights34@proton.me

Tárgy: J-427-3/2025 – Kiegészítő beadvány; egyetemi felszólító/„fenyegető” levél és bizonyítékok iktatása
Hivatkozás: NAIH e-mailes tájékoztatás 2025.10.10. (tárgy: „JOG/427-3/2025”)
Kelt: Budapest, 2025. október 28.

Tisztelt Hatóság!

Ezúton papíralapon nyújtok be kiegészítést a J-427-3/2025 számú ügyben. A NAIH 2025.10.10-i e-mailes tájékoztatását követően a Semmelweis Egyetem felszólító (retorzió-gyanús) levelet küldött részemre a kutatási/nyilvános dokumentumaim eltávolítására. Kérem, hogy az alábbi mellékleteket iktassák az ügy irataihoz, és a vizsgálat során értékeljék, hogy a felszólítás összefüggésben áll-e az általam 2025.08.17-én tett adatvédelmi bejelentéssel (hallgatói név + Neptun + tanulmányi előrehaladás összekapcsolása és közzététele).

Kérem, hogy az eljárás további lépéseiről és esetleges hiánypótlásról írásban tájékoztatni szíveskedjenek. Kapcsolattartásra a fenti egyetemi és Proton e-mail címem egyaránt megadható.

Tisztelettel,

_____
Siddhartha Harsh Wardhan

Mellékletek (Exhibits):

Exhibit NAIH-1: NAIH Ügyfélszolgálat e-mailje 2025.10.10., tárgy: „JOG/427-3/2025” (nyomtatott példány + csatolt hivatalos levél).

Exhibit NAIH-2: Egyetemi felszólító/„fenyegető” levél (2025.10.14–15.) + boríték/feladóvevény fotó (ha van).

Exhibit NAIH-3: Eredeti adatvédelmi bejelentés és kiegészítő dokumentáció (2025.08.17–18.).

Opcionális háttér: Ombudsman-ügy kivonata (EBF–AJBH–309–2025) és a Mellékletek A–F jegyzéke.

Boríték kitöltése — rövid emlékeztető

• Jobb alsó (Címzett): NAIH – 1055 Budapest, Falk Miksa u. 9–11. (vagy levelezési cím: 1363 Budapest, Pf. 9.)
• Bal felső (Feladó): Siddhartha Harsh Wardhan, 1056 Budapest, Belgrád rakpart 4. Fsz. 4
• Jelölés: kézzel írd rá — „Ajánlott – Tértivevényes”. A postán kérd a tértivevény kartont és őrizd meg az RA azonosítót.

English Cover Note (Optional to Include)

Subject: Case J-427-3/2025 — Supplemental filing; university takedown/retaliation notice enclosed

Dear Authority,

I hereby submit, in hard copy, the university's takedown/"threat" letter and supporting evidence to be docketed to Case J-427-3/2025. Please treat this as a potential retaliation occurring shortly after your 10 Oct 2025 email notice (subject: "JOG/427-3/2025") and my Ombudsman communications. Kindly confirm docketing and advise of any deficiencies.

Sincerely,

_____

Siddhartha Harsh Wardhan
Email: siddhartha.harsh@stud.semmelweis.hu | Proton: student.rights34@proton.me

4.2 Accreditation Risk and ESG/WFME Non-Compliance

The ***Hungarian Accreditation Committee's (MAB) decision to include the case in its WFME-linked review cycle (MAB/477-4/2025)*** shows that the issue now affects Hungary's compliance with European Standards and Guidelines (ESG) and WFME recognition (Wardhan 2025e). In "**Administrative Obstruction in European Union Medical Education VI,"** Wardhan explained how substandard anatomical specimens, inconsistent enforcement of rules, and unequal access to practicals violate ESG mandates on fair assessment and resource adequacy (Wardhan 2025d). This endangers Semmelweis University's alignment with WFME standards and could impact the international recognition of its medical degrees.

4.3 EU Fundamental Rights: The Broader Rule-of-Law Context

Under the **EU Charter of Fundamental Rights,** extended administrative silence and discriminatory treatment violate **Articles 41 (right to good administration**) and **47 (right to an effective remedy**). The takedown demand issued on **October 14–15, 2025, documented in Cross-Border Acknowledgment III: The Crossword of PIPER**, shows how administrative retaliation further escalated the issue into the realm of fundamental EU rights (Wardhan 2025f). Once a **Member State's internal administrative bodies fail to uphold these Charter protections, the matter is no longer purely domestic.** The **July 8, 2025**, EU acknowledgment and the follow-up email on **November 20, 2025**, providing the evidentiary legal case study dossier, which uses ORCID (as a directory to verify evidence and cases) as a trigger for EU-level

oversight, connecting Hungary's procedural failures to the Union's broader rule-of-law assessment.

Rule-of-Law Conditionality and Transparency Pressures on MAB

A critical dimension of EU-level oversight arises from the Union's **Rule-of-Law Conditionality Mechanism**, which directly affects Hungary's higher-education governance and the work of its accreditation body, MAB. In its official reply of **July 8, 2025**, the European Commission explicitly noted that Hungary has been under formal budget-protection measures since **December 15, 2022,** due to systemic rule-of-law concerns. One of these measures, adopted under **Council Implementing Decision (EU) 2022/2506**, **prohibits the Commission from entering new legal commitments with public-trust universities created under Act IX of 2021**. Crucially, the Commission states:

"Semmelweis University is included among these entities."

This designation places Semmelweis squarely within the EU's risk framework for governance opacity, conflicts of interest, and misuse of public funds. Because MAB is responsible for accrediting these same institutions for WFME and ESG compliance, any hint of structural opacity or non-intervention poses not only a national QA risk but a **European compliance threat**. The Commission further underscored that infringement proceedings may arise where administrative practices "reflect a systemic failure to comply with EU law by public authorities" — a standard directly triggered by the patterns documented throughout this case.

In this context, **MAB faces explicit transparency pressure**: failure to demonstrate active oversight in cases of discrimination, access denial, or assessment irregularities may reinforce the EU's systemic-failure findings. Accreditation cannot remain passive when the university itself is under EU sanction. Thus, the Semmelweis case intersects not only with GDPR and academic-freedom concerns but also with the Union's budget-protection and governance-integrity frameworks — elevating the QA stakes for Hungarian higher education.

4.4 Conclusion: Why EU Interest Is Inevitable

By October 2025, the convergence of **GDPR violations**, **ESG/WFME accreditation risks**, and **fundamental rights breaches** made **EU-level attention not only foreseeable but structurally unavoidable**. The issues documented across the ***Gatekeeper of Rights II*** **and** ***Administrative Obstruction in the EU Medical Education I-VI*** **series**—procedural silence, discriminatory FM/CV enforcement, data protection failures, retaliatory takedown demands, and invalid assessment conditions—collectively demonstrate that Hungary's internal administrative system failed to provide an adequate remedy.

This is precisely the failure mode anticipated in ***Gatekeeper of Rights I: The Role of Hungary's Commissioner for Fundamental Rights in Safeguarding Educational Equity***, which showed that structural bottlenecks, fragmented oversight mandates, and procedural inertia routinely prevent rights-based grievances from receiving meaningful investigation. The

escalation from domestic malfunction (**Gatekeeper of Rights I)** to procedural termination and service defects (**Gatekeeper of Rights II),** followed by the hostile administrative reactions documented in ***Cross-Border Acknowledgment III: The Crossword of PIPER — Passive Oversight and the Institutionalization of Inaction***, reflects a pattern incompatible with the European Union's expectations under Articles 41 and 47 of the Charter.

Once the ***European Commission*** formally acknowledged the case on **July 8, 2025**, Hungary's continued inertia and subsequent retaliatory conduct could no longer be interpreted as internal administrative delay. Instead, these developments became **indicators of rule-of-law degradation**—the very patterns monitored under the Commission's own Rule-of-Law framework, which evaluates the effectiveness, transparency, and impartiality of national oversight systems.

V. Retaliation and the Breakdown of Academic Freedom

If ***Sections II–IV*** demonstrated administrative silence and systemic malfunction across Hungarian oversight institutions, Section V reveals the point at which that malfunction escalated into **active retaliation**. While silence impedes remedy, retaliation punishes disclosure — transforming obstruction into suppression. The dean-signed takedown demand issued on **14–15 October 2025** is therefore not a peripheral document; it is the moment the case crossed a legal threshold under both Hungarian and EU frameworks.

The takedown letter, preserved in ***Cross-Border Acknowledgment III: The Crossword of PIPER — Passive Oversight and the Institutionalization of Inaction***, ordered the immediate removal of lawfully published academic research from ResearchGate and other platforms within three days (Wardhan 2025f). The letter provided **no legal basis**, **no citation of internal regulation**, and **no articulated harm** — yet it threatened consequences if the publications were not taken down. The timing is especially revealing: the demand was issued *only after* the Ombudsman's corrected service, ***two days after*** **NAIH's acknowledgment**, and *within the same period* that MAB officially logged the case into its accreditation docket.

This temporal clustering suggests a retaliatory motive rather than procedural necessity. More critically, it demonstrates that Semmelweis University did not simply resist transparency — it attempted to **erase** the evidentiary record at the precise moment when oversight bodies were beginning to re-engage. In administrative-law analysis, such conduct is not neutral; it is a direct attack on transparency and whistleblower protections.

Under **Act XXV of 2023 on Complaints, Public-Interest Disclosures, and Whistleblower Protection**, individuals who report unlawful conduct, procedural violations, or infringements of rights must be shielded from retaliatory actions. The law prohibits any measure **"likely to cause disadvantage"** because of a protected disclosure. The takedown demand, issued while the complainant's filings were under active review by multiple authorities, constitutes a textbook example of retaliation prohibited by the Act.

The EU framework reinforces this conclusion. **Directive 2019/1937** on whistleblower protection applies to disclosures involving breaches of EU law, including GDPR, quality-

assurance standards (ESG), and EU Charter rights — all of which were implicated in the complainant's documented case. Retaliation in such contexts violates the Directive's guarantees of confidentiality, non-retaliation, and impartial follow-up.

Academic freedom is equally at stake. The right to publish research — particularly research containing protected whistleblower disclosures — is central to the integrity of the ***European Higher Education Area (EHEA***). ESG 1.1 requires institutions to foster a culture of academic freedom and critical inquiry. ESG 1.3 and 1.4 require transparency in assessment and progression procedures. Demanding the removal of legal research revealing procedural irregularities is incompatible with these standards and undermines the conditions under which higher education institutions can retain their accreditation status.

Moreover, the retaliatory attempt occurred in the wake of documented administrative failures in ***Gatekeeper of Rights I: The Role of Hungary's Commissioner for Fundamental Rights in Safeguarding Educational Equity*****,** which established that Hungary's rights-protection mechanisms already struggled to defend fundamental educational rights. In ***Gatekeeper of Rights II*****,** termination threats and procedural defects further illustrated the fragility of these mechanisms. Retaliation escalates the problem: it signals that not only do administrative bodies fail to protect rights, but academic institutions may actively punish those who expose violations.

Viewed through the lens of the ***EU Charter of Fundamental Rights***, the takedown demand implicates several core protections:

- **Article 11 — Freedom of Expression and Information**
  The right to publish research cannot be curtailed without lawful, proportionate justification.
- **Article 13 — Freedom of the Arts and Sciences**
  Academic inquiry is protected regardless of institutional sensitivity.
- **Article 21 — Non-Discrimination**
  Retaliation against an international student reporting violations implicates equal-treatment guarantees.
- **Article 47 — Right to an Effective Remedy**
  Retaliatory actions undermine access to justice by threatening those who document evidence.

The international dimension amplifies these violations. With the case recorded in **MAB's accreditation docket (MAB/477-4/2025)**, acknowledged by ***WFME/FAIMER and ECFMG***, and visible to the ***EU Commission***, retaliatory suppression becomes a reputational risk not only for Semmelweis University but for Hungary's broader compliance with EU legal norms.

Retaliation shifts the case from mere administrative neglect to an institutional threat. While silence suggests a system failing to meet its responsibilities, retaliation shows a willingness to punish those who highlight its shortcomings. In higher education — a sector reliant on transparency, academic freedom, and quality standards — such behavior conflicts with both national commitments and European norms. Section V clarifies that the failure of domestic remedies was not passive but ended in coercive measures aimed at destroying evidence. In a

European Union rooted in fundamental rights and rule-of-law principles, retaliation is never a neutral administrative act — it indicates systemic issues.

The University's retaliatory conduct must also be evaluated considering the **EU's Rule-of-Law budget-protection measures**, which have already flagged Hungary's public-trust universities—including Semmelweis—as governance risks. In its ***July 8, 2025***, communication, the European Commission highlighted that, under **Council Implementing Decision (EU) 2022/2506**, the EU prohibits new funding commitments to institutions established under Act IX of 2021 "due to conflict-of-interest concerns," explicitly noting that **"Semmelweis University is included among these entities."**

This means that when Semmelweis issued a takedown threat against legally published whistleblower research, the act occurred within a governance environment already under EU scrutiny for transparency failures. Retaliation against protected disclosures, therefore, carries heightened EU relevance, further reinforcing the systemic-failure indicators the Commission described — namely, administrative practices reflecting persistent non-compliance with Union law. The takedown demand thus becomes not merely an internal violation but part of a broader governance pattern that EU institutions actively monitor.

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